

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SHAWN PRITCHETT,

Plaintiff,

v.

JAMES A. ORONOZ, et al.,

Defendants.

Case No. 2:15-cv-01805-APG-PAL

ORDER

(Notice of Change of Address – Dkt. #3)

This matter is before the Court on Plaintiff Shawn Pritchett's failure to pay an initial filing fee by November 8, 2015. The court entered an Order (Dkt. #2) on October 8, 2015, requiring Plaintiff to pay an initial filing fee no later than November 8, 2015. However, on November 5, 2015, Plaintiff filed a Notice of Change of Address (Dkt. #3) from High Desert State Prison to Ely State Prison. It is unknown whether High Desert State Prison or Ely State Prison received the initial Order (Dkt. #2) and delivered the same to Plaintiff. The court will therefore give Plaintiff an extension of time in which to pay the initial filing fee and instruct the Clerk of the Court to mail Plaintiff a duplicate copy of the Order (Dkt. #2).

As stated in the (Dkt. #2), the Court will screen Plaintiff's Complaint as required by 28 U.S.C. §§ 1915(e)(2) and 1915A(a) upon receipt of the initial partial filing fee. *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc) (noting that § 1915(e)'s screening requirement "applies to all *in forma pauperis* complaints").¹ If Plaintiff's Complaint states a valid claim for relief, the Court will direct the Clerk of the Court to issue summons to the defendant(s) and instruct the United States Marshal Service to serve the summons and complaint. *Cf.* Fed. R. Civ.

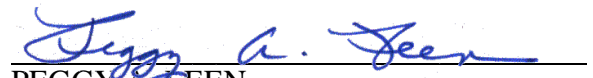
¹ 28 U.S.C. § 1915A(a) requires district courts to "review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a government entity or officer or employee of a governmental entity."

P. 4(c)(3); LSR 1-3(c) (requiring that a prisoner's initial partial filing fee be paid "*before* the Court will order service of process"). Accordingly,

IT IS ORDERED:

1. Plaintiff shall have until **December 18, 2015**, to pay an initial partial filing fee in the amount of \$7.69 toward the full filing fee of \$350.00. Failure to do so may result in a recommendation to the district judge for dismissal of this action.
2. The Clerk of Court shall mail Plaintiff copy of the Order (Dkt. #2). Plaintiff is ordered to make the necessary arrangements to have a copy of the Order (Dkt. #2) attached to a check in the amount of the initial partial filing fee designated herein.
3. Upon receipt of the initial partial filing fee, the Court will screen Plaintiff's complaint pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(a). Even if this action is dismissed, Plaintiff must still pay the full \$350.00 filing fee pursuant to 28 U.S.C. § 1915(b)(2).
4. Beginning the month following Plaintiff's payment of the initial partial filing fee, the Ely State Prison shall forward to the Clerk of the United States District Court, District of Nevada, twenty percent (20%) of the preceding month's deposits to Plaintiff's account (in the months that the account exceeds \$10.00) until the full \$350.00 filing fee has been paid for this action pursuant to 28 U.S.C. § 1915(b)(2). The Clerk of the Court shall send a copy of this Order to the Finance Division of the Clerk's Office and the Accounting Supervisor of Ely State Prison. If Plaintiff should be transferred, the Accounting Supervisor at Ely State Prison is directed to send a copy of this Order to the new place of incarceration, indicating the amount that Plaintiff has paid towards his filing fee, so that funds may continue to be deducted from Plaintiff's account.

Dated this 18th day of November, 2015.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE